IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2571 OF 2006.

Hiralal Ambaji Indapure ..Petitioner
V/s
Sou. Kalavati Venkatswami Yadgiri
And others ..Respondents.

Mr. I.N. Khairdi, Advocate for the petitioner.

Mr. Rajesh More, A.P.P. for the State.

CORAM : J.H. BHATIA, J.

DATE : 15TH JANUARY, 2007.

P.C.

. Heard Mr. Khairdi, the learned Counsel for the petitioner. Perused the relevant documents. It appears that the petitioner had filed Special Civil Suit No. 340/1995 for specific performance of contract against respondent Nos. 1 and 2. That suit was decreed in his favour. According to him, after the said decree respondent Nos. 1 and 2 executed sale deed of the said property in favour of respondent Nos. 5, 7 and 9. Respondent No.10 has acted as witness to the said sale deed. Remaining respondent Nos. 3,4, 6 and 8 had also entered into collusion with other respondents and helped them in executing the said sale deed. On the basis of

these allegations, the petitioner filed a complaint bearing No. 1182/2003 before the J.M.F.C., Court No.3, Solapur for the offences punishable under Sections 406, 427 of Indian Penal Code. The learned Magistrate was pleased to issue process against all the accused. The respondents/accused preferred Revision Application No.131/2004 before the Sessions Court, Solapur. After hearing the parties, the learned III Adhoc Additional Sessions Judge, Solapur, partly allowed the revision application and set aside the issuance of process to the extent to respondent Nos. 2 to 4, 6 and 8.

2. That order is challenged by the petitioner in the present petition. Para 12 of the impugned order clearly shows that only respondent No..1 had executed the sale deed in favour of respondent Nos. 5,7 and 9 and respondent 10 has acted as a witness to the sale deed. Issuance of process against these persons was maintained by the Sessions Court. The Sessions Court came to the conclusion that there was no material to show that accused Nos. 2 to 4, 6 and 8 had committed any offence.

3. Taking into consideration the circumstances

noted above and particularly the reasons given in para 12 of the impugned order, I find no merit in the present petition. Petition stands dismissed summarily.

(J.H. BHATIA, J.)